

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**PAUL G. ZARTER,**

**Petitioner,**

**v.**

**Case No. 12-CV-1189**

**WARDEN MICHAEL DITTMAN,**

**Respondent.**

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**ORDER**

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On July 26, 2013, the Court denied the petitioner's, Paul G. Zarter, petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Docket # 17.) The judgment, dated July 26, 2013, was entered on the docket on July 29, 2013. (Docket # 18.) On March 27, 2014, Zarter requested a copy of the "case file" for his case as well as a copy of the certificate of appealability "as [he is] also requesting an [sic] 30 day extension on this very important matter." (Docket # 19.) The Court will construe this request as a motion for extension of time in which to file a notice of appeal.

Because a petition seeking a writ of habeas corpus is technically a civil proceeding, *Holmes v. Buss*, 506 F.3d 576, 578 (7th Cir. 2007), the time limit for filing a notice of appeal is governed by Federal Rule of Appellate Procedure 4(a) which requires that notice be filed within 30 days after entry of the judgment or order. However, under Fed. R. App. P. 4(a)(5), the district court may extend the time to file a notice of appeal if a party so moves no later than 30 days after the original deadline for the filing of a notice of appeal expires, and that party shows "excusable neglect or good cause." *Sherman v. Quinn*, 668 F.3d 421, 424-25 (7th Cir. 2012); Fed. R. App. P. 4(a)(5)(A)(i), (ii). Pursuant to Fed. R. App. P. 4, Zarter had until August 28, 2013 in which to file his notice of appeal and until

September 27, 2013 in which to file a motion for an extension of time to file his notice of appeal. Thus, even if the Court construes Zarter's request for a 30 day extension of time as a motion to extend the time for filing his notice of appeal, his request comes too late for this Court to provide him relief.

**NOW, THEREFORE, IT IS ORDERED** that Zarter's motion to extend time to file a notice of appeal (Docket # 19) is **DENIED**.

Dated at Milwaukee, Wisconsin this 4<sup>th</sup> day of April, 2014.

BY THE COURT

*s/Nancy Joseph*

NANCY JOSEPH

United States Magistrate Judge